

Aug. 30, 1977

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MANCHESTER MUNICIPAL EMPLOYEES,  
LOCAL NO. 2715, AMERICAN FEDERATION OF  
STATE, COUNTY AND MUNICIPAL EMPLOYEES,  
AFL-CIO

and

HILLSBOROUGH COUNTY COMMISSIONERS,  
EDWARD J. LOBACKI, RICHARD G. DUPONT,  
AND MAURICE L. NOEL

CASE NO. A-0428:1

77-25

APPEARANCES

Representing the Manchester Municipal Employees, Local No. 2715:

James J. Barry, Jr., Esquire, Counsel  
William J. McDonough, Executive Director  
James C. Anderson, President, Public Employee Council No. 68  
Joyce Anderson, Secretary, Public Employee Council No. 68  
James Gray, President, Local 2715, AFSCME

Representing the Hillsborough County Commissioners:

Allan Hall, Esquire, Counsel  
Richard W. Roulx, Business Manager

FINDINGS

Hearing on the Unfair Labor Charges filed by the Manchester Municipal Employees, Local No. 2715, AFSCME, AFL-CIO, against the Hillsborough County Commissioners was held in Room 306, Legislative Office Building, Concord, New Hampshire at 1:30 p.m., Thursday, August 11, 1977.

In an opening statement, Chairman Edward J. Haseltine informed the parties that on the basis of the pleadings and pending a hearing on the subject matter, the Board (PELRB) issued on July 25, 1977, a "Temporary Cease and Desist Order" to the County Commissioners to cease its failure to meet and negotiate with Local 2715 and ordered them to conduct good faith negotiations without further delay, and without reference to any actions pending before the Board (PELRB) and without prejudice to their rights in any such action. The Board also ordered the parties involved to report their progress in negotiations on August 1 and 10, 1977.

Also before the Board (PELRB) was the matter of a petition for election filed by Richard W. Roulx, Business Manager, on behalf of the County, July 20, 1977, stating the petitioner had a reasonable doubt as to whether the employees did wish to continue being represented by Local 2715.

Further, in review, Chairman stated that PELRB was originally petitioned on December 6, 1976 for decertification of the existing bargaining unit. Petition was signed by two individuals; namely, John Welch and John Pasioka, however petition subsequently withdrawn by the same two individuals who had signed the original.

On June 10, 1977, the County Commissioners through their representative, Richard W. Roulx, filed a petition for election which, after review and legal counsel, PELRB declared illegal as the law, RSA 273-A, contained no provision for employer petitions and therefore the document was without standing under the law. Notification of PELRB decision sent June 28, 1977.

Arguments heard from attorneys for both parties, backgrounds cited, however no witnesses were called to testify.

PELRB took all matters pending before it under advisement and proceeded to accept introduction of documents proper to the election request.

After listening to the evidence, PELRB went into executive session, then reconvened and upon a motion by Board Member, Richard H. Cummings, and second by Board Member, Joseph B. Moriarty, as follows:

"Move to deny the petition for election because it seeks relief which is unavailable under the statute, and move to continue the temporary order dated July 25, 1977."

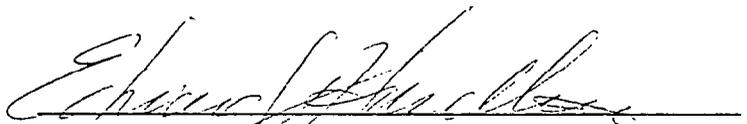
no further discussion held and vote taken; vote unanimous.

BOARD DECISION & ORDER

The Public Employee Labor Relations Board denies the County's petition for election because it does seek relief which is unavailable under the statute and continues its temporary order dated July 25, 1977 until the resumption of this hearing.

Further, both parties are ordered to transmit progress statements to the Board on August 25 and September 1, 1977.

Attorney Allan Hall, on behalf of the County Commissioners, asked that the Board please note their exception to the Board's ruling with respect to its petition for election. PELRB so noted.



EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 30<sup>th</sup> day of August, 1977.

Board decision and order given orally at the August 11, 1977 hearing.

Board Members present: Edward J. Haseltine, Chairman, Joseph B. Moriarty, Richard H. Cummings. Also present, Bradford Cook Counsel and Clerk Evelyn C. LeBrun.